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Attorneys for Plaintiffs
Gene Collins, Six Star Cleaning & Carpet Service, Inc., Yolanda Woods, Floppy Mop, Inc., Blue Chip Enterprises, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GENE COLLINS, an individual doing business as SOUTHERN NEVADA FLAGGERS & BARRICADES; SIX STAR CLEANING & CARPET SERVICE, INC., a Nevada corporation; YOLANDA WOODS, an individual doing business as STEP BY STEP CLEANING SERVICE INC., FLOPPY MOP, INC., a Nevada corporation, BLUE CHIP ENTERPRISES, INC. a Nevada corporation, DOES I through X; and ROE ENTITIES I through X,

Plaintiffs,

vs.

LABORERS INTERNATIONAL UNION OF NORTH AMERICA LOCAL NO. 872; LABORERS INTERNATIONAL UNION OF NORTH AMERICA LOCAL NO. 702; TOMMY WHITE, an individual; DOES I through X; and ROE ENTITIES I through X,

Defendants.

CASE NO. 2:11-cv-00524-LDG-CWH

PLAINTIFFS' MOTION TO CONTINUE HEARING

Plaintiffs Gene Collins, Six Star Cleaning & Carpet Service, Inc., Yolanda Woods, Floppy Mop, Inc., Blue Chip Enterprises, Inc. ("Plaintiffs"), respectfully move this Court for an Order continuing the hearing set for August 14, 2012 at 9:30 a.m.

1 This Motion is made and based upon the pleadings and papers on file with the Court, and any
2 other evidence the Court may consider.

3 Dated August 7, 2012.

4 RHODES-FORD & ASSOCIATES, P.C.

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6 By: /s/ Berna L. Rhodes-Ford
7 Berna L. Rhodes-Ford, Esq.
8 Nevada Bar No. 7879
9 Melissa I. Bright, Esq.
10 Nevada Bar No. 12336
11 701 N. Green Valley Parkway, Suite 200
12 Henderson, NV 89074

13 Attorneys for Plaintiff
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I. FACTUAL BACKGROUND

This case is currently set for a Hearing for Plaintiffs Motion to Laborers Joint Trust Funds' Compliance with Subpoena Duces Tecum (#67), Cross-Motion to Quash Subpoena (#69), Plaintiffs' Motion to Compel Discovery Responses (#71), First Plaintiffs' Motion for Sanctions in Response to Defendants' Spoliation of Evidence (#78), and Plaintiffs' Motion to Strike Evidence Used in Support of Defendants' Motion for Summary Judgment that Should Have Been Disclosed During Discovery (#85).

Counsel has not been able to get into contact with Kristina Hillman, counsel for Defendants, but has talked to Roberta Perkins at the direction of Ms. Hillman's office. *See* Declaration of Berna L. Rhodes-Ford at ¶7, attached hereto as "Exhibit A" & Declaration of Melissa I. Bright at ¶6, attached hereto as "Exhibit B." Ms. Perkins stated that only Ms. Hillman or David Rosenfeld could approve a continuance. Exhibit A at ¶8. However, she could provide available dates for Ms. Hillman in the event the hearing was continued. *Id.* at ¶9. Counsel has been in contact with Bryce Loveland who is Counsel for Southern Nevada Laborers Local 872 Training Trust. Exhibit B at ¶7. Mr. Loveland agreed to stipulate to continue and provided dates that he is available. *Id.* at ¶8. According to the dates that were provided to Plaintiffs' Counsel, all parties will be available for a hearing if it is scheduled for August 29, August 30, or September 5. Accordingly, Plaintiffs respectfully request that the Court continue the hearing currently scheduled for August 14, 2012 to a date to include any of the aforementioned.

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II. CONCLUSION

Based upon the foregoing, the Plaintiffs respectfully request this Honorable Court to continue the Hearing to a date convenient to the Court.

Dated: August 7, 2012

RHODES-FORD & ASSOCIATES, P.C.

By: /s/ Berna L. Rhodes-Ford
Berna L. Rhodes-Ford, Esq.
Nevada Bar No. 7879
Melissa I. Bright, Esq.
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Attorneys for Plaintiffs

EXHIBIT A

Berna L. Rhodes-Ford, Esq.
Nevada Bar No. 7879
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Nevada Bar No. 12336
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Attorneys for Plaintiffs
Gene Collins, Six Star Cleaning & Carpet Service, Inc., Yolanda
Woods, Floppy Mop, Inc., Blue Chip Enterprises, Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

GENE COLLINS, an individual doing
business as SOUTHERN NEVADA
FLAGGERS & BARRICADES; SIX STAR
CLEANING & CARPET SERVICE, INC., a
Nevada corporation; YOLANDA WOODS,
an individual doing business as STEP BY
STEP CLEANING SERVICE INC.,
FLOPPY MOP, INC., a Nevada corporation,
BLUE CHIP ENTERPRISES, INC. a
Nevada corporation, DOES I through X; and
ROE ENTITIES I through X,

Plaintiffs,

vs.

LABORERS INTERNATIONAL UNION
OF NORTH AMERICA LOCAL NO. 872;
LABORERS INTERNATIONAL UNION
OF NORTH AMERICA LOCAL NO. 702;
TOMMY WHITE, an individual; DOES I
through X; and ROE ENTITIES I through
X,

Defendants.

CASE NO. 2:11-cv-00524-LDG-CWH

**DECLARATION OF BERNA L.
RHODES-FORD IN SUPPORT OF
PLAINTIFFS' MOTION TO CONTINUE
HEARING**

Counsel for Plaintiffs, Berna L. Rhodes-Ford, submits this declaration in support of
Plaintiffs' Motion to Continue Hearing.

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STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

I, BERNA L. RHODES-FORD, declare as follows:

1. I am an attorney licensed to practice law in the State of Nevada and am an attorney at the law firm of Rhodes-Ford & Associates, P.C., representing Plaintiffs Gene Collins, Six Star Cleaning & Carpet Service, Inc., Yolanda Woods, Floppy Mop, Inc., and Blue Chip Enterprises, Inc. in the above-captioned matter.

2. I have personal knowledge of the facts stated in this declaration, except as otherwise indicated, and I am competent to so testify. If called upon to testify, I could and would competently testify to the facts set forth herein.

3. This declaration is submitted in support of Plaintiffs' Motion to Continue Hearing.

4. There is a hearing scheduled for August 14, 2012 at 9:30 a.m.

5. I will be out of the country from August 12, 2012 through August 19, 2012 and, therefore, cannot attend the hearing as currently scheduled.

6. Given prior client commitments, I am also not available for August 21 through August 22 and August 28, 2012.

7. On August 6, 2012, I spoke to Roberta Perkins, who stated she was returning the call that my office had placed to Kristina Hillman's office.

8. Ms. Perkins stated she did not have authority to agree to stipulate to a continuance and that only Ms. Hillman or David Rosenfeld have such authority.

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EXHIBIT B

Berna L. Rhodes-Ford, Esq.
Nevada Bar No. 7879
Melissa I. Bright, Esq.
Nevada Bar No. 12336
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Attorneys for Plaintiffs
Gene Collins, Six Star Cleaning & Carpet Service, Inc., Yolanda
Woods, Floppy Mop, Inc., Blue Chip Enterprises, Inc.

UNITED STATES DISTRICT COURT

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GENE COLLINS, an individual doing
business as SOUTHERN NEVADA
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Nevada corporation, DOES I through X; and
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OF NORTH AMERICA LOCAL NO. 702;
TOMMY WHITE, an individual; DOES I
through X; and ROE ENTITIES I through
X,

Defendants.

CASE NO. 2:11-cv-00524-LDG-CWH

**DECLARATION OF MELISSA I.
BRIGHT IN SUPPORT OF PLAINTIFFS'
MOTION TO CONTINUE HEARING**

Counsel for Plaintiffs, Melissa I. Bright, submits this declaration in support of Plaintiffs'
Motion to Continue Hearing.

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STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

I, MELISSA I. BRIGHT, declare as follows:

1. I am an attorney licensed to practice law in the State of Nevada and am an attorney at the law firm of Rhodes-Ford & Associates, P.C., representing Plaintiffs Gene Collins, Six Star Cleaning & Carpet Service, Inc., Yolanda Woods, Floppy Mop, Inc., and Blue Chip Enterprises, Inc. in the above-captioned matter.

2. I have personal knowledge of the facts stated in this declaration, except as otherwise indicated, and I am competent to so testify. If called upon to testify, I could and would competently testify to the facts set forth herein.

3. This declaration is submitted in support of Plaintiffs' Motion to Continue Hearing.

4. There is a hearing scheduled for August 14, 2012 at 9:30 a.m. Ms. Rhodes-Ford is not available on that date.

5. On August 3, 2012, I called Kristina Hillman's office regarding continuing the hearing. The assistant advised me that Ms. Hillman is out of the office until August 13, 2012, and that she would e-mail Ms. Hillman with my message.

6. On August 3, 2012, Roberta Perkins returned my call to Kristina Hillman's office. Ms. Perkins also stated she would email Ms. Hillman with our request to continue, but she was not sure when or if Ms. Hillman would get back to her. Ms. Perkins also advised that I could contact her in regards to the case until Ms. Hillman's returns on August 13, 2012.

7. I contacted Bryce Loveland, counsel for Southern Nevada Laborers Local 872 Trust Fund.

8. Mr. Loveland stated that he would stipulate to a continuance and informed me that he is not available on August 20 through August 24, or August 31.

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DECLARATION OF MELISSA I. BRIGHT
IN SUPPORT OF MOTION TO CONTINUE
HEARING

1 9. Mr. Loveland informed me he is available on August 27 through August 30 and
2 September 4 through September 7.

3 DATED August 7, 2012.

4 /s/ Melissa I. Bright
5 Melissa I. Bright

Rhodes-Ford & Associates, P.C.
701 N. GREEN VALLEY PARKWAY, SUITE 200
HENDERSON, NEVADA 89074
(702) 684-6262

DECLARATION OF MELISSA I. BRIGHT
IN SUPPORT OF MOTION TO CONTINUE
HEARING

ORDER

Upon due consideration of the Plaintiffs' Motion to Continue Hearing and Good cause appearing,

IT IS HEREBY ORDERED that the new hearing date for Plaintiffs Motion to Laborers Joint Trust Funds' Compliance with Subpoena Duces Tecum (#67), Cross-Motion to Quash Subpoena (#69), Plaintiffs' Motion to Compel Discovery Responses (#71), First Plaintiffs' Motion for Sanctions in Response to Defendants' Spoliation of Evidence (#78), and Plaintiffs' Motion to Strike Evidence Used in Support of Defendants' Motion for Summary Judgment that Should Have Been Disclosed During Discovery (#85) is now the 30th day of August, 2012, at 1:00 p.m. in LV Courtroom 3C.


UNITED STATES MAGISTRATE JUDGE

DATED: August 8, 2012

Respectfully Submitted,

RHODES-FORD & ASSOCIATES, P.C.

/s/ Berna L. Rhodes-Ford
Berna L. Rhodes-Ford
Nevada Bar No. 7879
Melissa I. Bright
Nevada Bar No. 12336
RHODES-FORD & ASSOCIATES, P.C.
701 N. Green Valley Parkway, Suite 200
Henderson, Nevada 89074

Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Rhodes-Ford & Associates, P.C., and that on this date, I served the foregoing **PLAINTIFFS' MOTION TO CONTINUE HEARING** by causing it to be served via the Court's CMECF system, addressed as follows:

Kristina L. Hillman
Law Offices of Kristina L. Hillman
729 Evans Avenue
Reno, NV 89512
Telephone (775) 770-4832
Facsimile (775) 324-5444
KHillman@unioncounsel.net

Bryce Loveland
Brownstein Hyatt Farber Schreck
100 North City Parkway, Suite 1600
Las Vegas, NV 89106
bcloveland@bhfs.com

Executed on August 7, 2012.

/s/ Melissa I. Bright

Melissa I. Bright